

1 Q. Okay. Do you recall asking
2 Mr. Minnifield, going back to that same incident,
3 about a particular bathroom door inside of the
4 house?

5 A. Yes, sir.

6 Q. And did Mr. Minnifield tell you or give
7 you any indication that he had gained access to
8 that bathroom door or the bathroom?

9 A. Yes, sir. He told me that he kicked the
10 door in.

11 Q. Did he tell you how he gained access to
12 the residence?

13 A. He kicked or knocked that door in as
14 well.

15 Q. So he told you that he kicked both doors
16 in?

17 A. Yes.

18 Q. Did Mr. Minnifield ever give you any
19 indication, referring to the hatchet and the
20 butcher knife that he had with him, what he would
21 have done or what his intentions were with those
22 items -- having those items?

23 A. Yes, sir. He said something to the
24 effect, had he caught her, he would have harmed her
25 or done something to her.

1 Q. Okay. Did he specifically tell you that
2 he would have used either one of those items on
3 her?

4 A. Yes, sir.

5 Q. Did -- during the course of this
6 conversation with Mr. Minnifield, did he also
7 indicate to you whether or not he had ever tampered
8 with Mrs. Minnifield's car?

9 A. Yes, sir, he did. As a matter of fact, I
10 questioned him about tampering with her vehicle.
11 On one particular occasion, it was during the
12 night, and he made the comment, something to the
13 effect, not that night. And I asked him when had
14 he tampered with her vehicle. And he mentioned he
15 had tampered with her vehicle during the daylight
16 hours on some other occasion.

17 Q. Okay. Do you know if they were any --
18 I'll withdraw that question. Do you remember
19 asking Mr. Minnifield a question about his
20 truthfulness? And, I guess, specifically, do you
21 remember asking Mr. Minnifield anything about
22 whether or not he would lie?

23 A. Yes, sir.

24 Q. And do you remember what his response
25 was?

1 A. I believe he told me that he would.

2 Q. If I could --

3 A. Well, he was depending on what the
4 circumstances were, especially involving this
5 particular case because that's what we were talking
6 about.

7 Q. So, if I understand you correctly, did
8 you say that he said he would lie depending on the
9 situation that he was in?

10 A. Yes, sir. I was asking him questions
11 about witnesses that he stated were lying for
12 Mrs. Minnifield. And I asked him if his witnesses
13 would lie for him, which he stated that they
14 probably would. And I asked him if he would lie to
15 save his own neck, and he made some comment about
16 the circumstances involving this case. And I
17 informed him that he could get prison time for the
18 stalking charge. And he more or less indicated
19 that he would.

20 Q. Would lie?

21 A. Yes, sir.

22 MR. BAILEY: Your Honor, I think
23 that's -- I believe that's all the questions that I
24 want to ask Detective Williams at this time. And
25 just for time's sake, I believe, the defense has

1 already stipulated that the defendant's statement
2 would be entered into evidence; is that correct,
3 Mr. Minnifield?

4 THE DEFENDANT: Sure.

5 THE COURT: Again, the parties, in
6 order to save time this morning, have stipulated
7 that his taped statement will be admitted into
8 evidence, and it's to go back with you to the
9 deliberation room and can be played by you. And if
10 you need any assistance with the tape, we can help
11 you with it. But it is evidence in the case, and I
12 am going to admit it.

13 MR. BAILEY: So at this time, we
14 would offer -- it's State's Exhibit No. 4, for the
15 record.

16 THE COURT: Okay. And it's
17 admitted.

18 (State's Exhibit No. 4 was admitted
19 into evidence.)

20 MR. BAILEY: Now, I do need to ask
21 Detective Williams just a couple questions about
22 the tape.

23 DIRECT EXAMINATION (continued)

24 BY MR. BAILEY:

25 Q. During the course of taping this

1 statement, you had some problems with the tape?

2 A. Yes, sir, the first tape. During
3 questioning, the tape just clicked, turned off for
4 some reason, and I rewinded it and noticed that the
5 voice was distorted on there, so we had to get a
6 second tape..

7 Q. Okay. And did you start back over with
8 your questioning on the second tape?

9 A. Yes, sir, I did.

10 Q. And are both of those tapes that you've
11 referred to, are both of those contained in what's
12 been labeled as State's Exhibit No. 4?

13 A. Yes, sir.

14 Q. Okay.

15 THE COURT: Is there any way you can
16 distinguish which is the first or second tape?

17 THE WITNESS: I believe I have the
18 tapes marked.

19 MR. BAILEY: They're labeled.

20 I believe that's all the questions I have for
21 Detective Williams.

22 THE COURT: Okay. Do you have
23 anything for her?

24 THE DEFENDANT: No.

25 THE COURT: Okay. You can step

1 down.

2 (Witness excused.)

3 THE COURT: And at this time, does
4 the State rest?

5 MR. BAILEY: State rests.

6 THE COURT: Both sides have rested,
7 and we're going to take a break for lunch. I'm
8 going to let you go to one o'clock. And if you
9 will report back to the jury assembly room at that
10 time, then there will be closing arguments, and
11 I'll instruct you on the law. But you're excused
12 until one o'clock. Will that give everybody enough
13 time? I think it will.

14 (Out of the presence of the jury.)

15 THE COURT: Mr. Bailey, I'm going to
16 ask if you'll be sure that the court reporter knows
17 how to work the tape, so if they do want to hear
18 it --

19 MR. BAILEY: Okay.

20 THE COURT: And they may be able to.
21 But if they aren't, we can assist them.

22 MR. BAILEY: Okay.

23 THE COURT: At this time,
24 Mr. Minnifield, do you, again, renew your motions?

25 THE DEFENDANT: Right.

1 THE COURT: And I'm going to deny
2 them.

3 Again, I'm going to just charge straight out
4 of the pattern book on stalking. And I think it
5 really covers everything.

6 MR. BAILEY: Judge, I have one
7 requested charge I would like the Court to look at.
8 I think it's appropriate to give and it comes out
9 of the annotations of --

10 THE COURT: Where are you because
11 I'm looking at it?

12 MR. BAILEY: Okay. I'm at the --
13 Page 227 on the bottom left, the legislative
14 intent.

15 THE COURT: Where -- okay. Right
16 here. Okay.

17 MR. BAILEY: It says, "When the
18 ordinary time permitting or the term repeatedly is
19 applied to the statute, it is evident that the
20 statute --

21 THE COURT: That is part -- more
22 than once --

23 MR. BAILEY: More than once.

24 THE COURT: Which means repeatedly
25 means more than once. Okay.

1 THE DEFENDANT: Your Honor, I would
2 like for you to reconsider the harassment -- lesser
3 sentence of harassment.

4 THE COURT: I will take it under
5 advisement in that regard because harasses is a
6 necessary element of this offense and harassment is
7 defined and it is applicable in this case. But,
8 again, I think that the evidence doesn't warrant
9 it, but I will look at it again.

10 And if you'll have him over here, just even
11 five till, I'll let you know.

12 And, Mr. Bailey, if you have anything, you can
13 maybe present to the Court your position on that.
14 I think it would be -- well, I've said that.

15 MR. BAILEY: Your Honor, what time
16 did you say to be back?

17 THE COURT: One o'clock.

18 (Lunch recess.)

19 (Court back in session.)

20 THE COURT: Okay. Mr. Minnifield,
21 right at the break, you had asked the Court to
22 reconsider giving a lesser included on harassment.
23 Does the State have any further response?

24 MR. BAILEY: The State does, Your
25 Honor. I have had an opportunity to look at the

1 law. I did some research and came across the -- I
2 would say with all honesty to the Court that I
3 tried to look at just about every stalking case
4 that I could and could not find a situation where
5 there was ever a requested lesser included charge
6 or whether it was ever brought up on appeal.

7 But what I did come across was a case entitled
8 Chambers v. City of Opelika. It went to the Court
9 of Criminal Appeals. It's a 1997 case. It's cited
10 in the Southern Reporter 698 7 2nd 792. And,
11 basically, the facts of this case are the defendant
12 was charged with a crime of menacing. And the
13 defendant at the end of the case had requested a
14 charge of harassment. And at that time, the Court
15 denied his request to give a lesser included charge
16 of harassment. And in that, the Court said that --
17 and this is talking about the Court of Criminal
18 Appeals. This Court has used the following litmus
19 test to determine whether a crime was necessarily a
20 lesser included offense of another, and they give
21 this test where all the elements of an offense
22 separate from the offense charged are present in or
23 included among elements of the charged offense,
24 such separate offense is a lesser included offense
25 for which the defendant may be convicted though

1 acquitted of the offense charged.

2 To be necessarily included in the greater
3 offense, the lesser must be such that it is
4 impossible to commit the greater without having
5 committed the lesser. And I think those -- that
6 last sentence, probably the thing that I would ask
7 the Court to zero in on. And I'll just say again,
8 the lesser must be such that it is impossible to
9 commit the greater without having first committed
10 the lesser.

11 And if the Court would look at the elements of
12 stalking, which 13A690 in the Code of Alabama, I
13 think the Court would see that it is possible to be
14 convicted of stalking without having first
15 committed the crime of harassment. Stalking says a
16 person who intentionally, repeatedly follows or
17 harasses another person and who makes a credible
18 threat, either expressed or implied, with the
19 intent to place that person in reasonable fear of
20 death or serious bodily harm.

21 I would also argue in conjunction with that,
22 that harasses as defined in the code and section
23 for stalking is similar but is distinguishable with
24 the harassment that's defined in, I believe, 13A118
25 of the Code of Alabama.

1 THE COURT: Well, I've looked at
2 that in particular, that portion of it, and it is a
3 different definition. And I have reconsidered, but
4 I'm not going to give the lesser included of
5 harassment.

6 And your objection is noted for the record,
7 Mr. Minnifield.

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And I've given that,
10 and, again, I overrule your objection.

11 Do both of you feel like you can make your
12 closing in about fifteen minutes?

13 MR. BAILEY: I can.

14 THE COURT: Because I may limit you
15 if I think it's necessary.

16 (Brief recess taken.)

17 (In the presence of the jury.)

18 THE COURT: Okay. At this time,
19 we'll be addressing closing arguments. And is the
20 State --

21 MR. BAILEY: State is ready, Your
22 Honor.

23 THE COURT: The State will address
24 you first and then Mr. Minnifield and then the
25 State has the right to have final close.

1 MR. BAILEY: Ladies and gentlemen, I
2 want to begin by thanking you for your attention
3 during the trial of this matter. I know it has not
4 been an easy thing for you to do, and I know that
5 none of you have volunteered to be here at the
6 beginning of the week and sit in a trial. I know
7 that you were directed to by getting a little piece
8 of paper in the mail. But nevertheless, I
9 appreciate your service. Your service as jurors is
10 very important to the judicial system.

11 In the United States, we live under a
12 constitution, a constitution which guarantees us
13 certain freedoms and liberties. But we, also, in
14 the United States, live under a code of laws. It's
15 a code of laws which prohibits conduct. In the
16 state of Alabama, these laws are enumerated in what
17 we call the Code of Alabama. Contained within this
18 code, there are many, many laws, which prohibit
19 many different kinds of conduct. But more
20 specifically, for the case at hand today, there is
21 a law contained within this code which prohibits
22 the crime of stalking.

23 And that's why we're here today, ladies and
24 gentlemen. As I said to you in opening statement,
25 we're here today because this man, John Minnifield,

1 could not let this woman go, couldn't take the fact
2 that she wanted to get out from under his control.
3 And that's what the evidence throughout the course
4 of this trial has shown you. And I just want to
5 spend just a minute or two telling you, first, what
6 I have to prove to you in this case.

7 As I told you in voir dire and also when I was
8 questioning you when you were being selected for
9 the jury and also in opening statement, my burden
10 of proof throughout the course of this trial was
11 beyond a reasonable doubt. It was not beyond all
12 doubt. As I told you earlier in the trial, you
13 couldn't be convinced beyond all doubt unless you
14 were a witness to the case, and that would
15 therefore disqualify you serving as a juror.

16 What did I have to prove to you? Well, I had
17 to prove to you beyond a reasonable doubt that the
18 defendant committed the crime of stalking. Section
19 13A690 of the Code of Alabama defines stalking as a
20 person who intentionally and repeatedly follows or
21 harasses another person and who makes a credible
22 threat. That threat can be either expressed or
23 implied with the intent to place that person in
24 reasonable fear of death or serious bodily harm. I
25 don't have to intend that the person actually

1 intended to kill someone -- which I think the
2 evidence in this case has shown -- but I do have to
3 prove that he had the intent to place that person
4 in reasonable fear of death or serious bodily harm.

5 So our elements to prove stalking is attempt,
6 credible threat, and act of harassing or following.
7 And the Judge will instruct you on the law at the
8 end of this case. And in that instruction, she
9 will tell you that in order to find the defendant
10 guilty of stalking, all you have to find is that he
11 did these things more than once -- more than one
12 time. And I think the testimony that's been
13 presented in this case is abundantly clear that the
14 defendant did those things and did that on more
15 than one occasion.

16 That was my burden of proof. My burden of
17 proof was to prove to you beyond a reasonable doubt
18 that the defendant, John Minnifield, did these
19 things. I think through the testimony that was
20 presented to you that once you go back and consider
21 the evidence, look at the evidence that has been
22 presented, you'll find the defendant guilty as
23 charged. Thank you.

24 THE COURT: Mr. Minnifield?

25 THE DEFENDANT: Good afternoon,

1 ladies and gentlemen. I'm sorry to keep y'all here
2 so long, but sometimes you have to keep a person a
3 little longer to prove a point. And this point is
4 here. The State has not proven a point of
5 stalking. You heard the witnesses. You see the
6 motions here that you all have seen. These are not
7 stalking motions. It's only disorderly conduct,
8 just something that's in domestic violence of any
9 person that come under the laws of domestic violent
10 when two peoples has different opinion about
11 things.

12 Vonciel Minnifield has the right to live and
13 walk on this earth, feel free to go wherever she
14 wants to. She has the right to marry whomever she
15 want to. But when Vonciel Minnifield marry a
16 person, it's no reason or no right for her to go
17 out there and cheat on this person and play this
18 man for a fool and think nothing is going to be
19 said or did about it.

20 I will never, never hurt Vonciel Minnifield.
21 She is a lot younger than I am. Y'all might think
22 I'm obsessed with that, but I'm not. I didn't have
23 time to be obsessed with it. I had time to work
24 and take care of her children. I'm not the father.
25 I didn't claim to be. I was the stepfather that

1 got those kids from the welfare, bought her a home,
2 married her, and put them in that home. I worked
3 from four in the morning sometime eleven and twelve
4 o'clock at night, several different jobs, to keep
5 bread on the table, clothes on all of them back.

6 You all heard what the kids said. I was their
7 stepfather. I treated them like a child, like they
8 were my own, because I love children. I love my
9 wife, but I couldn't stand her cheating on me. And
10 I'm taking care of business at home. I never
11 cheated on my wife because I was satisfied to have
12 a beautiful young wife. Today I'm sixty years old.
13 She only thirty-five. I was a proud man, but now
14 I'm a beaten man.

15 I'm not angry enough to go do anything to this
16 lady. You've seen the witnesses come up here, and
17 you heard what they said. A lot of the witness, it
18 has been rehearsed what to say. You all heard
19 that.

20 You all heard Mr. Ronnie Waters. He is the
21 owner over the building she work at. Mr. Johnnie
22 Sullivan is a partner. He don't be around her that
23 much. They set up schedules over the phone.
24 Mr. Ronnie Waters sat up there and told you I was
25 an employee there. I had a right to go there. My

1 job with Wilson and Price, I was there for eight
2 years when I met her. I was a carrier. My job
3 carried me all over the state of Alabama. I made a
4 good decent living.

5 But I was a lonely man until I met Vonciel.
6 From the first day I met Vonciel, the first night,
7 Vonciel moved in with me. She never, never
8 relinquished that role. She was there. She didn't
9 walk out of my house until October the 8th, the
10 house we shared together because she could not stay
11 put.

12 If I didn't trust my wife -- she had a vehicle
13 I bought. I bought all the vehicles. She could
14 use any one she wanted. She had keys to any of
15 them. If I didn't trust her, then why would I buy
16 her a vehicle? I paid for all of this so she can
17 go and come, and I don't have to be there.

18 I was the mother and the father. In the
19 morning time -- they call me the morning mother
20 because I go to my job, check on what I had to do,
21 and I come back home, and I'll wake those childrens
22 up, get them ready for school, the three of them.
23 I cook their breakfast. She's in there asleep.

24 Now, she said I drank. Sure, I drank. When I
25 met her, I was drinking nothing but beer. As time

1 went on, pressure started getting to me, and I seen
2 that Vonciel was looking over the horizon. She was
3 looking at something different because she had
4 never had a man to stand there and give her a home
5 and treat her like a lady and set her up on a
6 highest pedestal.

7 I did that, and I didn't do it forcibly. I did
8 it willingly. I couldn't go along with the drug
9 use. I couldn't go along with the cheating. I'm a
10 God fearing person. But I start drinking more and
11 more because I couldn't see her walking away or
12 being able to come around a corner and she in
13 somebody's arm. That hurts. That hurts dearly.

14 When the other girl -- she's not here today --
15 when that girl had to have an operation, she went
16 to Birmingham to the Children's Hospital.

17 MR. BAILEY: Your Honor, could I
18 object at this time?

19 THE COURT: I'm going to sustain
20 your objection.

21 Mr. Minnifield, you can only discuss the
22 evidence that's been presented. You cannot testify
23 at this time.

24 And I would caution the jury, and I'll remind
25 you that the arguments are not evidence and you can

1 only consider the evidence that was presented from
2 the witness stand or as an exhibit.

3 So, Mr. Minnifield, you need to confine it to
4 what the evidence was.

5 THE DEFENDANT: Okay. The evidence
6 will show that these three has been into evidence.
7 You all have looked at them, just a copy of them
8 here. And either one of them is proof. This was
9 on 10/30 of '90, 11/14 of '98 -- excuse me -- not
10 '90, but '98. Two of them was on one day and one
11 was on the other date. This evidence here was
12 contaminated. And by this, this evidence being
13 contaminated -- this happened on separate days --
14 but the State wants you to believe that this is a
15 continued pattern, stalking, reckless endangerment,
16 harassment. There was no continued pattern.

17 Vonciel said she had filed several of these in
18 the past before October the 8th. Vonciel had
19 never, never filed any charges on me for doing
20 anything to her. So this throws stalking out
21 because it had to be acts of stalking. It shows
22 it's got to be a repeatedly act. Just because one
23 time, does not constitute stalking. In the Code of
24 Alabama, as he stated right there, it will tell
25 you -- we want to make it as short as possible so

1 we all can go and rest. But it also tell you the
2 offense of stalking is a continuing act. It has
3 got to be more than one. Act is a-c-t. You put
4 the "S" on it, and then it's more than one.

5 They want you all to believe that when I went
6 to Auburn to talk to my wife that -- I didn't go to
7 threaten my wife. But you heard the security guard
8 say yesterday he was hired by the company and her
9 to go protect her. I never showed up there before.
10 I went there with hundred thousand peoples to talk
11 to my wife. I did not walk up on her to startle
12 her, which I could easily have walked up to her and
13 did something to her if I wanted to.

14 You heard Mr. Waters say it, and he her boss,
15 that he came across the ground when he was told
16 that I was out there. He came across. He walked
17 up to John Minnifield. I didn't try to run or
18 retreat or walk away. But the State wants you to
19 prove, and Vonciel here is trying to prove, that
20 John Minnifield took off running and they gave foot
21 chase. Why would Mr. Waters have to lie? He told
22 you I still worked there at Montgomery Catering as
23 of today. But for the last year, I can't work no
24 way.

25 The evidence is, I got out of jail on a bail.

1 I went to the even program to see was anything --
2 was I a angry man. The Court can verify that. I
3 went there sixteen session. I lacked one
4 session --

5 THE COURT: Now, again,
6 Mr. Minnifield, I'm going to caution you to just
7 comment on the evidence that was presented.

8 THE DEFENDANT: All right. And the
9 evidence, I'm telling you, expressing to you all
10 today, as you all go back there to deliberate, I
11 want you to search your heart. I want you to look
12 at John Minnifield. Do I look like an angry man, a
13 desperate man, whom could not release control of
14 that lady right there? I'm not like that. I would
15 have been less than a man not to go and find out
16 what was wrong. Why, baby, can't we make it? Two
17 people separate. That's it. They try to get back
18 together by all means except forcefully because the
19 laws of the land do not let you force nothing or
20 act upon another person.

21 I have did things in this case here constitute
22 nothing no more than harassment. I admitted that I
23 was wrong and under the influence of alcohol when I
24 went over there and I kicked her door open because
25 John Minnifield knew there was a man in there and

1 we were talking about going back together. And
2 just that Friday alone, she asked me for
3 communication, a telephone. I go get it for her.
4 Everybody got the number but me. When I -- or
5 should I be angry when it got changed on a Monday?
6 Shouldn't I someway be able to contact her and
7 those little girls there? I didn't have a phone.
8 I had a beeper. She could page me with our code,
9 and I would have been there for whatever to help or
10 protect my wife and my kids.

11 I didn't call them my stepchildren. I called
12 them my children. The boy, Jason, the oldest, he's
13 not here now. He cared more about John Minnifield
14 than his own father. But repeatedly, this boy,
15 17 -- this kid come up from here to up there where
16 he at now. He be getting to love me. My wife seen
17 that. He seen her at night --

18 MR. BAILEY: Judge, I'm going to
19 object. I don't know who he's talking about, this
20 person --

21 THE COURT: I'm going to sustain the
22 objection. Again, Mr. Minnifield -- and I'll
23 remind you that you only have a few more minutes.
24 You can only comment on evidence that was presented
25 in court.

1 THE DEFENDANT: Okay. This evidence
2 is. I won't be bringing that up.

3 You heard Nicholas Washington. He sat up
4 there and said I was going out of town. He didn't
5 know whether I worked there or not because this has
6 been rehearsed. You heard Karen Blanch, that stay
7 next door to me -- excuse me. I'm a little off on
8 my balance and stuff, but I'm not drinking -- but
9 she stay next door to us, me and my wife. She was
10 friends to the both of us.

11 July, I was released from the county on bail.
12 I live in Alex City --

13 THE COURT: Again, Mr. Minnifield,
14 you can't comment on those matters.

15 THE DEFENDANT: You heard what she
16 said, Ms. Blanch. She said -- and I quote -- This
17 woman did come down to my house, followed me in,
18 turned around, parked next door. I went to come
19 out, and she had the street blocked. I might not
20 called a restraining order not to go within a
21 thousand yards of her. Then that works both
22 ways --

23 THE COURT: Mr. Minnifield, again,
24 I'm going to caution you not to comment on things
25 that were not admitted into evidence. And you have

1 about three or four more minutes to complete your
2 argument.

3 THE DEFENDANT: You heard Ashley and
4 Dana Cook's statement. They wasn't afraid of me
5 because they know I was their stepfather. You
6 heard Pete Rose statement. He was an angry man
7 because I caught him there. Clemmitha Petace, the
8 sister. You heard what she said. It didn't say I
9 was following Vonciel. It never came up and said
10 that I was following her or stalking her.

11 Lawanda, you heard her statement. And her
12 statement sitting right there, you know where she
13 is. Even though I'm scared of you. Because she
14 knew how much I loved this woman and those children
15 because she was there a lot. She felt, and I felt,
16 if I caught my wife cheating, I probably would do
17 something to her. We never know until we cross
18 that bridge, and it goes vice versa. Since more
19 women on the jury than men, it goes vice versa, if
20 you caught your spouse that way.

21 But, ladies and gentlemen, as you go back to
22 deliberate, I want you to search your heart. You
23 can send John Minnifield to prison today or you can
24 come back with a lesser charge. The Judge will
25 instruct you of that. But I cannot get in your

1 mind. I can only tell you what's in my heart. I
2 don't know either one of y'all, but if you all want
3 to send me to prison --

4 THE COURT: And, Mr. Minnifield,
5 that's not proper argument. And it's something the
6 jury should not take into consideration, any
7 possible punishment.

8 THE DEFENDANT: Okay. Well, I'm
9 going to close this. And we, along with the State
10 and Vonciel, appreciate you all being here
11 listening to this. It never, never should have
12 gotten this far. Thank you.

13 MR. BAILEY: Just briefly, but may I
14 respond, Your Honor?

15 THE COURT: Yes.

16 MR. BAILEY: Ladies and gentlemen,
17 Mr. Minnifield has tried throughout the course of
18 this trial through his testimony, through his
19 questioning of witnesses, and through his argument,
20 tried to convince you, as citizens of this
21 community, that this is a normal relationship.
22 This is the way normal people behave and react in
23 these type situations.

24 Ladies and gentlemen, I present to you, and
25 the evidence has shown, that normal people do

1 not -- who are in love with another person, do not
2 threaten to kill that person, do not repeatedly
3 follow and harass that person, do not repeatedly
4 try to control that person's life.

5 Mr. Minnifield has made a statement on several
6 occasions during the course of this trial of all
7 the things that he's bought Vonciel, all the things
8 that he's paid for for Vonciel and the children, as
9 if all the money that he's thrown her way, she's
10 his property. He can do what he wants to with her,
11 and she's supposed to be at home behaving like she
12 should and doing what he says.

13 Ladies and gentlemen, Vonciel Minnifield is a
14 person. She's a human being. She has a right. If
15 she does not want John Minnifield near her, she
16 doesn't want John Minnifield talking to her, she
17 has a right to tell him not to, and she did. But
18 he didn't get the message, and that's what this
19 case is all about. That's what this case is all
20 about.

21 You heard the testimony, and I'm not going to
22 go through all the testimony. But I do want to
23 bring out some highlights of some of the things
24 that were said during the course of this trial.
25 First of all, let me tell you, the defendant said

1 in his opening statement, he promised you a lot of
2 things that he did not deliver on, ladies and
3 gentlemen. He promised he was going to bring in
4 all of these witnesses that was going to prove
5 John Minnifield was innocent. He promised you he
6 was going to bring in all of these witnesses that
7 were going to say that Vonciel Minnifield was
8 having an affair that would somehow justify his
9 actions, and he didn't.

10 And let me comment just one small amount on
11 all these allegations about Vonciel Minnifield
12 having an affair and cheating on John Minnifield.
13 Ladies and gentlemen, there was absolutely not one
14 shred of evidence that that occurred. I considered
15 putting Vonciel back up and letting her answer
16 those allegations. I wanted to, but no. I didn't
17 want to highlight his defense, highlight these
18 lies, because that's all that they were. He didn't
19 bring in anybody, ladies and gentlemen, that proved
20 that.

21 But let's just say for just a second that that
22 occurred. Let's buy his argument, not to highlight
23 it or give it any credibility. Does that give him
24 a right to do the things he did? Absolutely not.
25 Why? Because it's against the law. It's against

1 the laws of the State of Alabama to do the things
2 that he did.

3 Witnesses that we had that came in and
4 testified -- we had Tim Brown, who was her
5 neighbor's son, that came in and testified about
6 the time that John Minnifield ran them off the
7 road. Rosebud Brown, who was a next-door neighbor,
8 Tim Brown's mother, said that in October of '98 she
9 saw Mr. Minnifield come into a rage and knock down
10 Mrs. Minnifield's door. We had the children who
11 came and testified mainly about the October
12 incident. About one of her daughters -- I can't
13 remember. I think it was Dana that was hit by
14 John Minnifield. Both of the children testified
15 that when John Minnifield crashed in the door with
16 the hatchet, he started choking Vonciel. Is that
17 the way a normal human being should be treated?
18 Then chasing his family that he loves so dearly
19 through the house with a hatchet, that's something
20 out of a horror movie, ladies and gentlemen.
21 That's not something that you would expect a decent
22 citizen of this community to behave.

23 And then his testimony before you when he was
24 testifying. Do You remember him sitting here and
25 saying, Yeah, I was out to get her. That may send

1 me to the prison for the rest of my life -- that
2 was his words -- but I was out to get her.

3 Ladies and gentlemen, over and over again,
4 Lester Glaxton, hired by whomever, whether it was
5 Mrs. Minnifield or the company, to come and
6 protect -- I think that was apparent from all the
7 testimony, Vonciel included -- that he was there to
8 protect this woman. Does a normal human being have
9 to hire someone to protect them from someone who's
10 supposed to love and care for them? Is that the
11 way someone should have to act? No. Why? Because
12 it's against the law to behave like he was
13 behaving.

14 Lawanda Benson, the babysitter, ladies and
15 gentlemen, testified that the defendant came to her
16 house on numerous occasions all times of the night.
17 One night he came, he had a gun in his pants, made
18 a threat, going to kill her. That's something that
19 just about every witness that testified, with the
20 exception of a few, heard this defendant threaten
21 her life. Is that normal? I suggest not.

22 Nicholas Washington, dishwasher for RSA Plaza,
23 tell Vonciel she's not going to live to see
24 Thanksgiving. I'm fixing to go out of town. Just
25 tell her she better watch out. I'm not going to go

1 through all of the witnesses, but another probably
2 very important witness for the State of Alabama --
3 the defendant has made an allegation that this is a
4 big conspiracy against him, that all these
5 witnesses have been rehearsed and come in here and
6 told what to testify, I guess.

7 There's one important witness, G. L. Sisson,
8 police officer with Montgomery Police Department.
9 You say probably the most impartial witness
10 throughout this whole proceeding. He didn't know
11 either one of these parties. What did he testify
12 about, ladies and gentlemen? He testified about
13 going to those apartments that night. When he
14 drives up, he sees this man right here chasing his
15 wife around the parking lot with a hatchet making
16 threats, "I'm going to kill you. If I get you, I'm
17 going to kill you." And you remember the defendant
18 when he was questioning G. L. Sisson, you know,
19 making a big deal, "Well, are you sure you saw me
20 chasing her around? Are you sure you saw me doing
21 this and that?"

22 Ladies and gentlemen, he admits to it in his
23 statement. And let me get to that, the defendant's
24 statement. I could probably have made this case a
25 lot simpler and a lot easier and a lot of time

1 saved --

2 THE DEFENDANT: I'm going to object
3 to the statement, you can go back. It was never --

4 THE COURT: What is your objection?

5 THE DEFENDANT: My objection is he
6 said that Mr. Sisson said I was chasing her with a
7 hatchet, and I object.

8 THE COURT: Wait just a moment. I'm
9 going to sustain your objection, but the jury has
10 heard the evidence, and you can recollect what the
11 evidence was or was not in that regard. Go ahead.

12 MR. BAILEY: In the defendant's own
13 statement, I could have probably saved us a lot of
14 time in this case and just admitted the defendant's
15 statement. I mean, sure, it's a lot of
16 self-serving stuff in this, ladies and gentlemen,
17 but yet, there's a lot of stuff in this statement
18 that the defendant admits to that's enough to
19 convict him of the crime.

20 He admits to talking to Washington at RSA
21 Plaza, even though he does deny the threats. He
22 admits, ladies and gentlemen, going to Lawanda
23 Benson's house. He admits to going to Auburn
24 University. Ladies and gentlemen, he also admits
25 to tampering with Mrs. Minnifield's car.

1 Why does a person do that? Is that the way a
2 person who loves and cares for someone acts? What
3 do you have? All of these events have been
4 testified about. What do you have? You have a
5 pattern of following, and then you have a pattern
6 of harassing. Why else would you go and tamper
7 with someone else's car unless you were harassing?

8 And then you have Vonciel Minnifield, who
9 testified about all the events that happened, the
10 notes that were left on her car. Look at these,
11 "Tonight, be at home. Now, the war is on, germ
12 carrying pictures. Do not lie." Testified about
13 him coming to her church. Testified about all the
14 numerous threats that were placed on her life. She
15 was constantly having to run from house to house
16 trying to avoid this man.

17 Ladies and gentlemen, the point is, the reason
18 that we have a stalking law across the country and
19 especially in the state of Alabama in this case is
20 so that women, particularly, do not have to keep
21 running and fearing for their lives because of a
22 man's ability to stop his own actions, to not
23 control, not to let go. That's the whole reason
24 that we have a law that prevents that type of
25 behavior.

1 The defendant said in his closing argument,
2 "I've done some things that constitute no more than
3 harassment." He, not only admits, according to
4 G. L. Sisson in front of the Judge, "If I would
5 have gotten her that day, I would have used that
6 hatchet on her." He says that in his statement as
7 well. But he sits here in front of the jury that's
8 considering his faith in this case and tells you,
9 Yeah, I probably did some things that constituted
10 harassment. Well, what is stalking, ladies and
11 gentlemen? It's pattern of harassment. He sat
12 here and told you that. I'm not going to belabor
13 the point anymore, ladies and gentlemen.

14 When Mrs. Minnifield took those vows with
15 Mr. Minnifield, they each promised to love and to
16 hold and to cherish one another. Is that what
17 happened? I think not. Mrs. Minnifield decided
18 that she could not live in his house under his
19 control, and she decided -- felt fearful and
20 decided to get out, and she did. And he couldn't
21 accept that. So he, for the last two years, has
22 terrorized her life. She told you, made her fear
23 of her life, her children's life. Is that any way
24 for anybody to have to put up with?

25 You've heard the evidence, ladies and

1 gentlemen. The Judge is going to instruct you on
2 the evidence. And you have to follow the Judge's
3 instructions. But one thing this Judge cannot take
4 away from you, the one thing that I cannot take
5 away from you, the one thing that John Minnifield
6 cannot take away from you, the one thing the State
7 of Alabama cannot take away from you when you go
8 into that jury deliberation room is your God gift
9 of common sense. You get to take that back there
10 with you. And I want each and every one of you to
11 use that God-given common sense and look at the
12 testimony presented in this case. Look at the
13 pattern presented in this case and ask yourselves,
14 Did this man commit the crime of stalking? And
15 then after all the consideration of the evidence, I
16 feel confident that you will come back and return a
17 verdict of guilty.

18 And then I want to end with this. One of the
19 very last things that the defendant said in his
20 statement to the Montgomery Police Department,
21 Cassandra Williams. You -- "Question: You would
22 lie to save your neck? Answer: Would I lie to
23 save my neck? Question: Yes, sir. Answer by Mr.
24 Minnifield: It all depends on the situation that
25 I'm in." He's in a situation. What did he do?

1 Thank you.

2 THE DEFENDANT: Your Honor, may we
3 approach the bench?

4 THE COURT: Okay.

5 (Attorneys approach the bench.)

6 THE DEFENDANT: Would you consider
7 the lesser included case due to the fact --

8 THE COURT: I've already ruled on
9 that, Mr. Minnifield.

10 MR. HARTLEY: Judge, he's pointing
11 out in his argument that this is a matter of series
12 of what makes stalking --

13 THE COURT: I've made my decision,
14 and you can note that again at the end of the
15 trial.

16 (Attorneys return to their seat.)

17 THE COURT: It's now my duty to
18 explain to you the law that will guide you in your
19 deliberations -- and I apologize for my voice.
20 It's going and coming. I'm going to try to go very
21 slow because I will be covering quite a few legal
22 definitions. And, unfortunately, in the state of
23 Alabama, you're not permitted to have a copy of my
24 charge to take with you. I disagree with the law
25 in this respect and think you should, but I must

1 follow it and so must you.

2 Now, this case is brought to you by an
3 indictment which charges John Minnifield with
4 stalking. I want you to understand from the
5 beginning that the indictment has no bearing
6 whatsoever on the guilt or innocence of any person.
7 It is not evidence in the case. It's merely the
8 paperwork or legal process by which a case is
9 presented for trial.

10 Now, as to this charge, the defendant has pled
11 not guilty. A plea of not guilty places the burden
12 on the State of Alabama to prove by the evidence
13 presented the guilt of defendant beyond a
14 reasonable doubt. So before a conviction can be
15 had, each of you must be satisfied beyond a
16 reasonable doubt of his guilt. Otherwise, he's
17 entitled to an acquittal.

18 Furthermore, the defendant is presumed to be
19 innocent, and that presumption attends him until
20 his guilt is established from the evidence beyond a
21 reasonable doubt. This presumption of innocence is
22 evidence in the case and is to be considered by you
23 along with all the other evidence. It is a fact
24 which is to be considered by you and goes with the
25 defendant to your verdict unless the evidence

1 convinces you beyond a reasonable doubt of the
2 proof of each and every element of the offense
3 here.

4 Now, we've all mentioned reasonable doubt.
5 And it's a relative term, and it's not always easy
6 to define. Basically, a reasonable doubt, it's a
7 fair doubt. It's based upon reason and common
8 sense and arising from the evidence. In short,
9 it's a doubt for which you can assign a reason that

10 comes from the evidence. A reasonable doubt may
11 arise not only from the evidence produced, but also
12 from a lack of evidence or any part of the
13 evidence. Again, the burden is on the State to
14 prove the defendant guilty beyond a reasonable
15 doubt. Now, the law tells us this about the
16 term, "reasonable doubt." It's not just a mere
17 possible doubt. In other words, it's not a mere
18 guess, surmise, or capricious doubt.

19 Now, the doubt which would justify an
20 acquittal must be an actual doubt. The reasonable
21 doubt which would entitle an accused to an
22 acquittal is not fanciful, vague, conjectural, or
23 speculative, but is a reasonable doubt arising from
24 the evidence and remaining after a careful
25 consideration of the testimony, such as reasonable

1 fair-minded and conscientious men and women such as
2 you would consider under all the circumstances.

3 Now, the State is not required to convince you
4 of defendant's guilt beyond all doubt or to a
5 mathematical certainty. Again, it's simply beyond
6 a reasonable doubt.

7 I told you earlier that you were the sole
8 judges of the evidence, and I'm going to explain to
9 you or remind you what is and what is not evidence.

10 First, as I just said, the indictment here, it is
11 not evidence. In addition, the arguments,
12 statements, or assertions of the attorneys or the
13 parties during the course of the trial is not
14 evidence. Rulings by the Court during the course
15 of the trial, that is not evidence. Evidence is
16 simply the testimony of witnesses under oath from
17 the witness stand, any exhibits that were actually
18 admitted, and any presumptions of law that I've
19 given you such as the presumption of innocence.

20 Just as you're the judges of the evidence,
21 you're also the sole and exclusive judges of the
22 credibility of witnesses and the weight that should
23 be given their testimony. In passing on the
24 credibility of witnesses, you have the right to
25 consider such things as any bias, interest, or

1 prejudice that may have been exhibited to you while
2 that person was testifying. You also can consider
3 the demeanor of the witness on the stand; that is,
4 how did they appear to you while they were
5 testifying? You also can consider the basis for
6 their testimony; that is, how did they know the
7 facts to which they testified? Did they have an
8 opportunity to see, hear, learn? Just how did they
9 know those facts?

10 Finally, you may accept or reject any part of
11 the testimony of a witness and may accept only the
12 testimony you consider worthy of belief.

13 Now, the defendant in this case has testified
14 in his own behalf, and he has a perfect right to do
15 so. And you cannot capriciously disregard his
16 testimony any more than that of any other witness.
17 The law is that you must take his testimony in the
18 case and consider it along with all the other
19 testimony. But while you are considering his
20 testimony, you may also take into consideration his
21 interest in the outcome of the case.

22 Finally, I want to point out to you, at this
23 time, that I am not permitted to express my opinion
24 or to comment on the fact of the evidence or the
25 credibility of any witness. Therefore, any

1 rulings, statement, or even expression that may
2 have been made by me during the course of the trial
3 is not to be considered by you as any effort on my
4 part to convey to you any feeling or opinion about
5 the facts in the case or the credibility of any
6 witness.

7 Now, with regard to this particular charge,
8 the defendant is charged with stalking. A person
9 commits the crime of stalking if he intentionally
10 and repeatedly follows or harasses another person
11 and makes a credible threat, either expressed or
12 implied, with the intent to place that person in
13 reasonable fear of death or serious bodily harm.

14 Thus, in order to convict, the State must
15 prove beyond a reasonable doubt each of these
16 following elements: First of all, that the
17 defendant, John Minnifield, followed or harassed
18 Vonciel Minnifield; second, that he made a credible
19 threat, either expressed or implied; third, that he
20 did so repeatedly or more than once and that in so
21 doing, he acted with intent to place Vonciel
22 Minnifield in reasonable fear of death or serious
23 bodily harm. Intent is defined under the law as
24 when a person acts intentionally with respect to a
25 result or to conduct when his purpose is to cause

1 that result or to engage in that particular
2 conduct. A credible threat is a threat expressed
3 or implied made with the intent and the apparent
4 ability to carry out the threat so as to cause the
5 person who is the target to fear for her own safety
6 or the safety of a family member and to cause
7 reasonable, mental anxiety, anguish, or fear.

8 Harasses, as used here, is when one engages in
9 an intentional course of conduct directed at a
10 specified person which alarms or annoys that person
11 or interferes with the freedom of movement of that
12 person in which serves no legitimate purpose. The
13 course of conduct must be such as would cause a
14 reasonable person to suffer substantial emotional
15 distress and must actually cause substantial
16 emotional distress.

17 A course of conduct, as used here, is a
18 pattern of conduct composed of a series of acts
19 over a period of time, which evidences a continuity
20 of purpose. If you find from the evidence that the
21 State has proved beyond a reasonable doubt each of
22 these elements of stalking, then you would find the
23 defendant guilty as charged. On the other hand, if
24 you find that the State has failed to prove one
25 of -- one or more of the elements beyond a

1 reasonable doubt, you would find the defendant not
2 guilty.

3 In a moment, you will be beginning your
4 deliberations. In passing on the evidence, you
5 have the right to use your knowledge of people and
6 their affairs. This is the tool that is given you
7 in which some of us simply call your common sense.
8 In arriving at your verdict, you must not permit
9 sympathy, emotion, or prejudice to influence you.

10 Furthermore, you must not base your verdict
11 upon any preconceived idea of what would be a
12 popular or unpopular verdict. In other words, your
13 verdict must strictly be based on the evidence
14 presented and the law that applies.

15 Also, before you reach a verdict, all twelve
16 of you must reach the same verdict. In other
17 words, it must be unanimous. It can't be a split
18 verdict. In a moment, you'll be going back to the
19 jury deliberation room, and one of the first things
20 you need to do is to select one person to act as
21 your foreperson or spokesperson. Now, that person
22 will have no greater weight in your deliberations
23 than anyone else, but will simply act as your
24 spokesperson. You need to discuss the case, and if
25 you have any questions, there's paper and pencil

1 back there. Have the foreperson write out the
2 question, sign it. And if it's a question of law,
3 I will answer it. However, if it's a question of
4 fact, I cannot assist you, as you're the sole and
5 exclusive judges of the facts.

6 Once you have reached a verdict, have the
7 foreperson sign it, knock on the door -- and we'll
8 let you know. There are two doors. There's one
9 here and one back there. There are also
10 restrooms -- and you'll be brought back into the
11 courtroom, and the verdict will be read in the
12 court.

13 I've prepared a verdict form, and it will go
14 back with you as well as the exhibits that were
15 actually admitted. It's a very simple verdict
16 form. You have a choice of either we, the jury,
17 find the defendant guilty of stalking as charged in
18 the indictment or we, the jury, find the defendant
19 not guilty.

20 In a moment, I'm going to have the court
21 reporter take you back to the jury deliberation
22 room.

23 But let me ask if the -- either side has any
24 objections other than what you've already noted as
25 your objection, Mr. Minnifield, to the Court's

1 charge? Do you have anything in addition?

2 THE DEFENDANT: Nothing other than
3 the motion.

4 THE COURT: And we'll discuss that
5 in just a moment.

6 MR. BAILEY: The State of Alabama is
7 satisfied.

8 THE COURT: I'm going to get you to
9 take them back there -- and if you want to take a
10 break, for instance, if you want to go get cokes or
11 something, we can let you go down and do that. So
12 that may be something else you want to discuss.
13 Your time -- you are in charge of your time now.
14 I'm not any longer. So it's what you want to do
15 with regard to that. Okay.

16 (Out of the presence of the jury.)

17 THE COURT: For the record,
18 Mr. Minnifield, you said you were satisfied with
19 the Court's charge except in the regard -- I think
20 you want to renew your motion about not giving the
21 lesser included harassment?

22 THE DEFENDANT: Right.

23 THE COURT: Okay. And that is noted
24 for the record. And I'm going to overrule your
25 objection, and your exception is noted on the

1 record.

2 THE DEFENDANT: Thank you.

3 (In the presence of the jury.)

4 THE COURT: Okay. I have your
5 questions, and I hope I can help you out. The
6 first one is: Was there a restraining order
7 mentioned in any testimony? Was any length
8 mentioned, and if so, how long was it in affect?

9 The Court cannot comment on what evidence was
10 produced or not produced. But I -- it's up to you
11 to recollect the testimony. I will remind you that
12 evidence is only sworn evidence from the witness
13 stand and any exhibits. Anything said in closing
14 argument is not evidence.

15 Now, with regard to can you get a transcript,
16 just as I told you, you're not permitted to have a
17 copy of my charge. In Alabama, there's no
18 provision for the jury to have a transcript.
19 However, if there is a particular witness or a
20 particular part of someone's testimony that you
21 want the court reporter to read back, she can do
22 that. She needs -- sometimes it takes a few
23 minutes to get that together. But if there is a
24 particular witness's testimony that you want read
25 back or a portion of anyone's testimony that you

1 want read back, we can do that.

2 So why don't y'all go back there and see if
3 you -- and if you do want someone's testimony,
4 bring that out, and it will still take a few
5 minutes for her to get that together.

6 (Out of the presence of the jury.)

7 THE COURT: What says the State?

8 MR. BAILEY: Satisfied.

9 THE COURT: What says the defendant?

10 THE DEFENDANT: Satisfied.

11 (In the presence of the jury.)

12 THE JUROR: Ma'am, can I ask a
13 question?

14 THE COURT: Sure.

15 THE JUROR: One of the jurors need
16 to leave at five --

17 THE COURT: We'll be sure that the
18 juror does.

19 THE JUROR: Okay. Thank you.

20 THE COURT: Let me and it may be --
21 and one thing y'all may need to decide is when to
22 come back. It's up to you in the morning. It's
23 not -- five will be here soon.

24 Let me ask one thing -- and are you the
25 foreperson?

1 THE JUROR: Yes, ma'am.

2 THE COURT: You can just stay where
3 you are. You asked can we hear David Johnson's
4 testimony again. Let me ask this. There was
5 reference during the course of the trial to David
6 Johnson, Mr. Minnifield's friend, is that who you
7 have in mind?

8 THE JUROR: We don't know who's who.
9 We don't know if he testified.

10 THE COURT: He did not testify, a
11 David Johnson.

12 THE JUROR: Was there another David
13 that you gave us testimony from?

14 THE JUROR: Is he the boss of
15 Mr. Minnifield?

16 THE COURT: Wait just a minute.
17 Okay. Now, I did -- there was a Don Thomason that
18 I gave you, and I'll read to you again the
19 stipulation. Okay.

20 The parties stipulated that if Don Thomason
21 was here, this would be his testimony, and you're
22 to consider it as any other testimony and as if he
23 had been here as a witness under oath. Don
24 Thomason was John Minnifield's employer. And in
25 mid October of 198 -- '98, after Mr. Minnifield was

1 arrested on a reckless endangerment charge,
2 Mr. Minnifield told Mr. Thomason that if
3 Vonciel Minnifield would have divorce papers drawn
4 up, he would sign the divorce papers and
5 Mr. Thomason agreed that he would notarize them.
6 That was the stipulation. Is that what --

7 (Jurors nod.)

8 THE COURT: I don't know how long
9 it's going to take to read this and -- but she's
10 going to now read back to you. And if it's close
11 to five, we may just have to stop. And this is the
12 testimony, and it's Lawanda Benson.

13 (Court reporter reads back.)

14 THE COURT: Let me interrupt. Is
15 this the testimony you wanted, because there was
16 some confusion of names?

17 (Jurors nod.)

18 THE COURT: Go ahead.

19 (Court reporter continues to read
20 back.)

21 THE COURT: Okay. What time do
22 y'all want to come back in the morning?

23 THE JUROR: Is nine o'clock okay?

24 THE COURT: Nine o'clock. We'll get
25 you in the jury assembly room and bring you back

1 here because we'll be doing some things. If you
2 have any notes, if you will leave them, we'll pick
3 them up. The court reporter will keep them and
4 hand them back out tomorrow morning. No one will
5 look at them. I'm going to caution you, again, not
6 to discuss the case, and we'll see you in the
7 morning. We'll try to have some coffee.

8 (Out of the presence of the jury.)

9 (In the presence of the jury.)

10 THE COURT: Good morning.

11 Yesterday, we had finished -- or the court reporter
12 reading back to you the testimony. But you had
13 another question about do all of the elements of
14 stalking have to be present at each incident? I'm
15 going to go back over with you the elements of
16 stalking and give you a little further explanation
17 that I hope will be helpful.

18 Now, with regard to stalking, the State must
19 prove three elements. First of all, that the
20 defendant, John Minnifield, intentionally and
21 repeatedly followed or harassed Vonciel Minnifield.
22 The State must also prove beyond a reasonable doubt
23 that defendant made a credible threat, either
24 expressed or implied. And finally, the State must
25 also prove that the defendant intended to place the

1 victim in reasonable fear of death or serious
2 bodily harm.

3 Now, I'm going to go back to each of them and
4 give you a little fuller definition. With regard
5 to the first one, that the defendant -- the State
6 must show that the defendant intentionally and
7 repeatedly followed or harassed Mrs. Minnifield.
8 Repeatedly means on more than one occasion. So
9 under this element, the State must show that the
10 accused either followed the victim on more than one
11 occasion and/or that the accused harassed the
12 victim on more than one occasion.

13 Now, follows is really self-explanatory, and
14 it has its ordinary meaning.

15 With regard to harassment, under this statute,
16 the State must prove that the accused engaged in an
17 intentional course of conduct directed at
18 Vonciel Minnifield, and that such conduct alarmed
19 or annoyed her or interfered with her freedom of
20 movement and such conduct by the defendant served
21 no legitimate purpose, that such course of conduct
22 would cause a reasonable person to suffer
23 substantial emotional distress, and it must
24 actually cause substantial emotional distress.

25 Now, course of conduct is used here as a

1 pattern of conduct composed of a series of acts
2 over a period of time which evidences a continuity
3 of purpose.

4 Now, with regard to the second element, that
5 the State must prove beyond a reasonable doubt that
6 the defendant made a credible threat, either
7 expressed or implied. A threat is credible if it
8 is made with the intent to cause the victim to fear
9 for her safety or the safety of a family member and
10 it does cause the victim to fear for her safety or
11 the member of a family, and that it causes
12 reasonable mental anxiety, anguish, or fear and
13 that the accused had the apparent ability to carry
14 out the threat. In this regard in determining
15 whether a threat occurred, the entire factual
16 context, including all of the surrounding events
17 and reactions, must be considered. In other words,
18 the totality of all the circumstances rather than
19 just isolated incidents must be considered.

20 Furthermore, in order to constitute a credible
21 threat, it is not necessary for the State to prove
22 that the defendant had the actual intent to carry
23 out the threat. It is enough if the threat causes
24 the victim reasonably to fear for her safety or the
25 safety of her family, and that the accused made the

1 threat with intent to cause the victim to feel such
2 fear.

3 Finally, the State must prove beyond a
4 reasonable doubt that the defendant intended to
5 place the victim in reasonable fear of death or
6 serious bodily harm. Again, a person acts
7 intentionally under the law with respect to a
8 result or to a conduct when his purpose is to cause
9 that result or to engage in that particular
10 conduct.

11 The question of intent is hardly capable of
12 direct proof, and whether or not the defendant
13 intended to cause the victim here,
14 Vonciel Minnifield, to feel fear is a jury question
15 for you to decide. It's also a question for you to
16 decide whether or not the defendant followed and/or
17 harassed the victim on more than one occasion.
18 That's also a jury question for you to decide. And
19 it's also a question for you to decide whether or
20 not there was a credible threat.

21 If you find from the evidence that the State
22 has proved the elements of stalking, that is that
23 the defendant either followed and/or harassed the
24 victim on more than one occasion and that there was
25 a credible threat and that the defendant intended

1 to place the victim in reasonable fear of death or
2 serious bodily harm, if you find that the State has
3 proved all of those elements beyond a reasonable
4 doubt, you would find the defendant guilty as
5 charged. However, if you find that the State has
6 failed to prove one or more of those elements, you
7 will find the defendant not guilty.

8 Does that help you?

9 (Jurors nod.)

10 THE COURT: If you want something
11 else read back, it does take us a few minutes to
12 get that, but -- or if you have any other
13 questions, I think you know by now what to do. So
14 I'm going to let you go back there.

15 What says the State and the defendant?

16 MR. BAILEY: State of Alabama
17 satisfied.

18 THE DEFENDANT: Satisfied.

19 THE COURT: Y'all know the way now,
20 so I'm going to let you go back there.

21 (Out of the presence of the jury.)

22 (In the presence of the jury.)

23 THE COURT: Okay. You had asked,
24 and at this time, the court reporter is going to
25 read back the testimony of Mrs. Minnifield. Now, I

1 had excused both Mr. Bailey and Mr. Hartley. They
2 are in other courtrooms tending to other matters.
3 And Ms. Childs is going to be here on behalf of the
4 State. And, of course, Mr. Minnifield is here, so
5 they may be in and out. Okay.

6 MR. HARTLEY: Thank you, Judge.

7 MR. BAILEY: Thank you, Judge.

8 THE COURT: Okay.

9 (Court reporter read back.)

10 THE COURT: I think that's -- does
11 that help? And I think you know by now that if you
12 need to know anything, just ask, and we'll try to
13 help you out.

14 (Out of the presence of the jury.)

15 THE COURT: I realize this is a
16 serious matter, but this jury has worked very hard,
17 so don't have any comments while they're here.
18 Would you get them?

19 (In the presence of the jury.)

20 THE COURT: I understand you've
21 reached a verdict. And do you want to read the
22 verdict or do you want the Court to read the
23 verdict?

24 THE JUROR: You can read it.

25 THE COURT: Okay. It is the verdict

1 of the jury, we, the jury, find the defendant
2 guilty of stalking as charged in the indictment.

3 Mr. Minnifield, you have the right to have the
4 jury polled, which will mean that I ask each juror
5 if this is their verdict. Do you want them polled?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: And I'm going to ask
8 each of you.

9 (Jury polled.)

10 THE COURT: And in accordance with
11 the jury verdict, the Court will adjudicate the
12 defendant guilty as charged. I know it's been a
13 long few days, but I do just want to make a couple
14 of comments because I don't know when I have seen a
15 jury more dedicated to their duty.

16 I know this was a difficult decision, and you
17 obviously took it very seriously and talked through
18 the process, and we certainly appreciate how much
19 you took this into consideration. I hope you've
20 had a good experience. I know it's a hard
21 decision, and it can be difficult being a jury --
22 juror.

23 The good news is that you are excused for the
24 rest of the week. And it's certainly small
25 compensation for what you've been doing, but you

1 can go down and get your juror fees. And, again,
2 thank you for serving.

3 MR. BAILEY: Judge, could I say one
4 thing?

5 THE COURT: Yes.

6 MR. BAILEY: If any of you would
7 like to talk with me, I'll be down on the first
8 floor in just a few minutes. You certainly don't
9 have to, but I know a lot of you might have some
10 questions or something.

11 THE COURT: At this time, it's up to
12 you whether you want to talk with anyone and -- so
13 that's strictly up to you. Okay.

14 (Out of the presence of the jury.)

15 THE COURT: Mr. Minnifield, I'm
16 going to set sentencing -- and I will have
17 Mr. Hartley stand in with you as well -- and I'm
18 going to set sentencing for February 7th at eight
19 o'clock. And someone from the probation office
20 will be to talk with you about a presentence
21 report.

22 THE DEFENDANT: It wouldn't be
23 necessary. I would like to give oral notice of
24 appeal.

25 THE COURT: Well, you cannot appeal

1 until after you're sentenced, and I can't sentence
2 until after I get that report. And if we get it
3 before then, I'll put your case down as quickly as
4 possible.

5 THE DEFENDANT: Thank you.

6 THE COURT: Okay.

7

8 * * * * *

9

10 THE COURT: John Minnifield.

11 Mr. Hartley, I know you're not technically his
12 attorney, but maybe you could just stand up here?

13 MR. HARTLEY: Okay.

14 THE COURT: Okay. Mr. Minnifield,
15 you're here today for sentencing. And, of course,
16 you had waived your right to an attorney during the
17 course of the trial. I have asked Mr. Hartley if
18 he would stand up here with you for sentencing. Is
19 there anything you want to tell the Court before I
20 pronounce sentence?

21 THE DEFENDANT: Can I say it after
22 the sentencing?

23 THE COURT: Well, no. You need to
24 say it before the sentencing.

25 THE DEFENDANT: Well, this Court is

1 aware -- they are very well aware that I am not
2 guilty of the case of stalking. I will not bow
3 down on my knees for something I didn't do. I
4 was -- illegal evidence was used in this case.

5 THE COURT: Well, you can, you
6 know -- you had already indicated before sentencing
7 you were going to appeal, and you certainly can
8 raise such matters on appeal. But a jury heard the
9 evidence, and the Court did also, and the jury
10 found you guilty as charged.

11 MR. HARTLEY: Judge, there's one
12 issue. Can I tell her about that report,
13 Mr. Minnifield?

14 THE DEFENDANT: It's up to you.

15 MR. HARTLEY: Judge, quite
16 interestingly, I think Ms. McCarty was the first
17 person to tell me about it. Apparently, last week
18 about the time you interviewed Mr. Minnifield, it
19 seems as though Dr. Carl Kirkland must have gone up
20 and seen him in regard to an issue involving Social
21 Security. And I would believe, then, that
22 Dr. Kirkland probably generated a report, and I
23 would think that the Court might benefit from
24 seeing --

25 THE COURT: At whose request?

1 MR. HARTLEY: I think it's got
2 something to do with Social Security.

3 THE COURT: Well, I don't know that
4 he will be eligible.

5 MR. HARTLEY: But there may be
6 matters in that report that might be significant
7 that --

8 THE COURT: I'm just concerned that
9 I did not think that they initiated that type thing
10 on their own.

11 MR. HARTLEY: I asked Mr. Minnifield
12 on it, and he said he saw Dr. Kirkland because of
13 Social Security matters, right?

14 THE DEFENDANT: Right. I had went
15 to Mental Health when I was out. And then Social
16 Security, they sent this man to see me. Evidently,
17 they didn't use mental health thing, you know --

18 THE COURT: Well, certainly, I would
19 consider that. When did you talk to him?

20 THE DEFENDANT: What day that you
21 came to see me?

22 THE COURT: Well, it's been recent.

23 MS. MCCARTY: Last week.

24 MR. HARTLEY: Middle of the week.

25 THE COURT: Well, you're here today,

1 and I will certainly give him the benefit of
2 looking at the report.

3 If -- anyone here, if you want me to hear from
4 them today, or have them come back, that's up to
5 you, but --

6 MR. BAILEY: Would the Court
7 consider going ahead and sentencing him, and if
8 something does come up, you can hear a motion to
9 reconsider based on that?

10 THE COURT: Well, the only problem
11 is if I don't get -- sometimes they're behind on
12 the reports, and I -- I think there would be a way
13 though that I could reserve jurisdiction. So I'll
14 go ahead, and I may do that since everyone is here.
15 Is there anything --

16 MR. BAILEY: Yes, Your Honor. The
17 State's here present with Ms. Vonciel Minnifield,
18 the victim in the case, and also her counsel with
19 the Family Sunshine Center, Lashanda Seals, and
20 Mrs. Minnifield's children are both present in the
21 courtroom. And I believe Mrs. Minnifield would
22 like to address the Court at this time.

23 THE VICTIM: Do I need to read this?

24 THE COURT: No. You just need to
25 tell me whatever. Of course, I was present during

1 the trial and heard the evidence.

2 THE VICTIM: Your Honor, basically,
3 I don't want anything bad to happen to anyone,
4 first of all, myself and my children, and my
5 husband, John. However, several preservation is
6 something that we're all born with. And my
7 children looked to me and to God for safety. And
8 right now I'm just looking for the Court for safety
9 because I do fear for my life.

10 MR. BAILEY: Judge, I think -- does
11 one of your children want to speak?

12 THE VICTIM: Both.

13 MR. BAILEY: Okay. Would y'all come
14 on up?

15 MR. BAILEY: Just have one at a
16 time.

17 MR. BAILEY: Okay. One at a time.
18 Whichever is fine.

19 If you could, state for the record your name.

20 DAUGHTER: Ashley Cook.

21 MR. BAILEY: You need to speak up.
22 Okay.

23 DAUGHTER: Ashley Eliza Cook.

24 MR. BAILEY: And could you tell the
25 Judge what you want to say?

1 DAUGHTER: I just want to say that I
2 don't want anything bad to happen either. But I
3 just want to live like everybody else, and I know
4 if he gets out, he might kill us.

5 MR. BAILEY: Okay. If you could,
6 please state your name for the record.

7 DAUGHTER: Dana Cook.

8 MR. BAILEY: Tell the Judge what you
9 would like to say.

10 DAUGHTER: Like my mama and my
11 sister, I don't want anything bad to happen. It's
12 not that I fear for myself, just my mom and my
13 sister because I see what they're going through.
14 But I know if he gets out, something else is going
15 to happen. So I'm just fearing for my mom and my
16 sister right now.

17 MR. BAILEY: Judge, the State would
18 add along with that, I've been prosecuting these
19 crimes for three or four years now, and this is
20 probably one of the more serious crimes that I have
21 seen. The repeated threats for Mrs. Minnifield's
22 life, threats that were made in front of judges,
23 threats that were made in front of law enforcement
24 officials, and even in his own statement, him
25 saying that if he had caught her on that particular

1 day with that ax, he would have used it on her. I
2 just think that type of evidence cannot be ignored.

3 And we would also, at the proper time, be
4 moving to invoke the habitual offender act.
5 According to the defendant's NCIC, he does have
6 thirty-three prior felonies. Unfortunately,
7 because they're spread out all over the place, we
8 were only able to get eleven of those priors as far
9 as certified, and we have those here today.

10 THE COURT: One of my concerns is
11 in, you know, sometimes it can be at least a month
12 before I get a report, and I don't know that I
13 would have jurisdiction over the matter after
14 thirty days to -- if I needed to take that --

15 MR. HARTLEY: Judge, I think we
16 could probably contact Dr. Kirkland and ask him to
17 prioritize that one, and it might get here in a
18 short time frame, because I imagine they could,
19 since they've already had a week on it.

20 MR. BAILEY: For that matter, we
21 could have Dr. Kirkland come in if he --

22 MR. HARTLEY: In fact --

23 MR. BAILEY: -- if worse came to
24 worse.

25 THE COURT: He does have quite a

1 number -- do you have your certified priors?

2 MR. BAILEY: Yes, Your Honor.

3 THE COURT: I will say this. Most
4 of them were in 1981 or before. They're
5 certainly -- there haven't been any recent in
6 almost twenty years. And I'm certainly going to
7 take that into consideration. It really may be
8 helpful to me to have -- but I don't know that that
9 assessment for Social Security -- if it's going to
10 enlighten the Court. And, you know, if he's
11 incarcerated, I don't think he'll be eligible to
12 receive Social Security.

13 MR. HARTLEY: Of course, Judge, I'm
14 not -- that's not my worry, whether he gets Social
15 Security. I just hope that the Court would have as
16 much information as possible about his possible
17 mental state or mental condition.

18 THE COURT: Well, as -- you know,
19 during the trial, of course, the Court went over a
20 number of things and found he was competent to
21 represent himself. He certainly -- and I will say
22 he, during the course of the trial, certainly was
23 able to do that. And I don't want everyone to come
24 back. I'm thinking if I did a split, at least I
25 could reserve jurisdiction and then reconsider.

1 That was --

2 MR. HARTLEY: Sounds reasonable.

3 THE COURT: I -- it may be a
4 situation where I determine that the split portion
5 may not be appropriate.

6 MR. BAILEY: Judge --

7 THE COURT: I'm going to -- what?

8 MR. BAILEY: I was just going to
9 suggest that maybe if I could -- or one of us could
10 go back and call Dr. Kirkland.

11 THE COURT: Why don't you do that?
12 I would like to have at least some time period
13 because I don't want to lose jurisdiction. That is
14 my main concern right now.

15 MR. BAILEY: I'll do that right now.

16 THE COURT: Okay. I'll get back
17 with him in just a moment.

18 (Brief recess was taken.)

19 (Court back in session.)

20 THE COURT: John Minnifield. Okay.
21 Mr. Minnifield -- Mr. Bailey, you were going to
22 contact Dr. Refro's office?

23 MR. BAILEY: And I did, Your Honor.
24 And speaking with his secretary, she said that the
25 report would be ready probably about the first of

1 next week. She left me with the impression that
2 there would have to be some type of order by the
3 Court for them to turn it over because it was
4 ordered by the Social Security Administration. But
5 anyway, she went on to explain what this was --
6 that was done to Mr. Minnifield. She said that
7 this was just a history that was done on him.
8 There was no evaluation except an intelligence test
9 was done, and the evaluation was basically to
10 determine if he had any disabilities. She said
11 this would have no relevance for this court case.
12 And the big difference was this was not a forensic
13 evaluation as the court typically orders.

14 THE COURT: I would -- I think,
15 though, since it's been raised, it would be a good
16 idea to have it in the record. And let's get a
17 copy of it for the record, but I think I can go
18 ahead and sentence.

19 Now, is there anything else anyone wants to
20 tell the Court?

21 MR. BAILEY: I don't think we have
22 anything else to say. Just in case I didn't do
23 that, we would invoke the habitual offender act
24 based on --

25 THE COURT: And I think it was

1 eleven?

2 MR. BAILEY: We do have eleven
3 certifieds there, Your Honor.

4 MR. HARTLEY: Your Honor, in regard
5 to this matter, I really was in trial sort of to
6 advise Mr. Minnifield and not being lead counsel,
7 but I did note that he made an interesting point
8 throughout the testimony that a great deal of what
9 happened and what he did or what he said were in
10 the course of involving a divorce case. And, for
11 instance, if you take into as an example the trip,
12 I think, that was to Auburn, some portion of the
13 testimony involved that as being some significant
14 part of this whole series of events. If you
15 take -- look over what was said, there was no
16 threat there. There was no problem. It was just a
17 matter of he was trying to get in touch with his
18 wife to find out what was going to happen in regard
19 to whether they were going to divorce or not
20 divorce. And I think that the Court looks back
21 over that and takes into account the fact that
22 these people were married. They had matters they
23 had to resolve. They had issues that were between
24 them. Beyond the fact that this case just
25 emphasizes the altercation that they had in

1 October, a lot of it would be justified if they
2 were just in the process of getting a divorce.

3 THE COURT: Well, there were a
4 number of incidents testified during the trial and,
5 of course, as I said, the jury heard the evidence
6 and did find him guilty. I am taking into
7 consideration, however, that -- all of these
8 sentences of conviction were approximately twenty
9 years ago. But this is also a serious matter, and
10 I can't ignore that.

11 With regard to this case, I'm going to
12 sentence him to twenty years. And, of course, I
13 would recommend that he undergo some type of
14 substance abuse program and some type of anger
15 management. At any time upon release, he's to have
16 no contact with the victim or the family.

17 What about restitution?

18 MR. BAILEY: There's restitution in
19 the amount of four thousand three hundred and
20 seventy-eight dollars.

21 THE COURT: Three hundred
22 seventy-eight?

23 MR. BAILEY: Yes, Your Honor.

24 THE COURT: I'm not going to impose
25 a fine because, hopefully, at some point, she'll

1 get the restitution, but that will be mighty slow
2 coming in. Fifty dollars to the Crime Victim
3 Compensation, court costs. And, although,
4 Mr. Hartley did not represent you during the trial,
5 he was an attorney of record up until that time,
6 and I think it would also be appropriate to assess
7 attorney fees because he certainly had in more than
8 a hundred-fifty dollars' worth of time in the case.
9 Order one half of any monies earned paid toward
10 your court-ordered monies.

11 You do have a right to appeal. If you cannot
12 afford a transcript or an attorney, that can be
13 provided for you. In addition, you will be given
14 credit for any time actually served as allowed by
15 law. Okay. I think that takes care of it.

16 THE DEFENDANT: I want to give oral
17 notice now of appeal and new trial.

18 THE COURT: I will note that you
19 have given oral notice of appeal. Let me ask this,
20 Mr. Minnifield. Do you want the Court to appoint
21 you an attorney to represent --

22 THE DEFENDANT: No. I will
23 represent myself.

24 THE COURT: Well, again, I made
25 determinations that you are competent and capable

1 of representing yourself in trial. However, for
2 appellant purposes, there's also technical matters.
3 And if you do not comply with the Rules of
4 Appellant Procedure, your appeal could be
5 dismissed. There are serious consequences. And it
6 may be helpful to have an attorney to be sure you
7 don't have any problems in that regard.

8 THE DEFENDANT: It is going to be
9 problem wherefore John Minnifield name appear
10 because of the lies and stuff that has been told,
11 and it doesn't matter no more with me. That woman
12 know --

13 THE COURT: Well, I'm going to go
14 ahead and appoint an attorney, and then you can
15 file something.

16 THE DEFENDANT: She know --

17 THE COURT: That's all.

18 THE DEFENDANT: And they know that
19 I'm not going to bother them.

20 THE COURT: Okay. That's all.

21 THE DEFENDANT: And I want a motion
22 for a new trial too.

23 * * * * *

24 END OF PROCEEDINGS

25 * * * * *

REPORTER'S CERTIFICATE

STATE OF ALABAMA

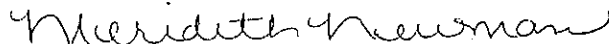
TALLAPOOSA COUNTY

I, Meridith Newman, Court Reporter and
Commissioner for the State of Alabama at Large,
hereby certify that on Monday, January 10 and
February 7, 2000, I reported the TESTIMONY AND
PROCEEDINGS in the matter of the foregoing cause,
and that the foregoing pages contain a true and
accurate transcription of said proceedings.

I further certify that I am neither of kin nor
of counsel to any of the parties to said cause, nor
in any manner interested in the results thereof.

This 10th day of January, 2000.

This 7th day of February, 2000.



Meridith Newman, Court Reporter
Commissioner for the State of
Alabama at Large

MY COMMISSION EXPIRES: 12/30/2001

4 IN THE CIRCUIT COURT
OF MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA

Plaintiff,

VS.

X CC-99-327-SMG

JOHN MINNIFIELD,

Defendant.



MOTIONS HEARING

P R O C E E D I N G S

The above cause came on to be heard before
the Hon. Sally M. Greenhaw, Circuit Judge for the
15th Judicial Circuit of Alabama at the Montgomery
County Courthouse, Montgomery, Alabama; commencing
on March 6, 2000.

* * * * *

A P P E A R A N C E S

FOR THE STATE:

No appearance.

FOR THE DEFENDANT:

Pro Se.

* * * * *

COURT REPORTER FOR THESE PROCEEDINGS: DUB HARRIS

* * * * *

4 IN THE CIRCUIT COURT
OF MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA

Plaintiff,

VS.

X CC-99-327-SMG

JOHN MINNIFIELD,

Defendant.



MOTIONS HEARING

P R O C E E D I N G S

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A P P E A R A N C E S

FOR THE STATE:

No appearance.

FOR THE DEFENDANT:

Pro Se.

* * * * *

COURT REPORTER FOR THESE PROCEEDINGS: DUB HARRIS

* * * * *

1

PROCEEDINGS

2

BY THE COURT: All right, Mr.

3

Minnifield, during the trial you waived your

4

attorney. Although I had Mr. Hartley sit

5

there, you did not indicate that you needed his

6

services during the trial. I've appointed you

7

an attorney on appeal.

8

Now, on these motions for new trial, you

9

filed them Pro Se, and I've looked at your

10

motion for a new trial, and also a motion for

11

-- I guess a jury mistrial, and to reconsider

12

the sentence, and I've read all your motions.

13

Now, one thing I need to make clear, I've

14

appointed Mr. Burkhardt to represent you on

15

appeal. If for some reason you don't want him

16

to represent you, you'll have to take that up

17

with the appellate court, not me; do you

18

understand that?

19

BY THE DEFENDANT: Yes, ma'am.

20

BY THE COURT: Now, is there anything you

21

have to say that you haven't already said in

22

your written motions, because I've read over

23

them.

24

BY THE DEFENDANT: I just feel, though,

25

that everything in those motions, that I'm

1 entitled to.

2 BY THE COURT: It certainly sets out,
3 you know, quite a few factors that happened
4 during the trial, but the Court was there
5 during the trial, and again I'll say for the
6 record, you certainly were well able to
7 represent yourself, and I m going to go ahead
8 and deny these motions for new trial, and your
9 other motions. So, now, everything can be
10 taken up on appeal. So, I'm going to deny
11 these motions, and they'll be part of the
12 record as well.

13 BY THE DEFENDANT: Okay.

14 BY THE COURT: All right, thank you.

15 (Court adjourned)

16 * * *

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25

C E R T I F I C A T E

STATE OF ALABAMA

MONTGOMERY COUNTY

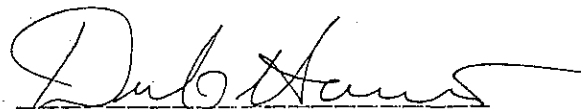
I, Dub Harris, Special Roving Court
Reporter and Registered Profesional Reporter of the
15th Judicial Circuit for the State of Alabama,
Montgomery, Alabama, do hereby certify as follows:

THAT I reported in shorthand the
foregoing proceedings in the foregoing styled cause
at the time and place stated heretofore;

THAT I later reduced my shorthand notes
to computer-aided transcription, and the foregoing
pages contain a full, true and correct transcript
of the proceedings and testimony as herein set out;

THAT I am neither of kin nor of counsel
to the parties to said cause, nor in any manner
interested in the results thereof.

DONE this 8th day of March, 2000.


Dub Harris, Reporter.